

Exhibit 19

1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF RICHMOND: CIVIL TERM: PART TP 12G

3 -----X
 4 In the matter of the application of :
 BERNARD BLACK, :

5 for the Appointment of a Guardian of the :

6 Person and Person and Property of :

7 JOANNE BLACK

Index No.
 80253/2014

8 An Alleged Incapacitated Person. :

-----X
 9 26 Central Avenue
 10 Staten Island, New York
 March 21, 2016

ORIGINAL

11 B E F O R E: THE HONORABLE THOMAS P. ALIOTTA
 12 Justice of the Supreme Court

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15 TERI MALTESE and JOHN V. STEWART,
Senior Court Reporters
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PROCEEDINGS

1 THE COURT: Maybe you can--

2 MR. SALZMAN: Counsel is correct. Counsel is
3 correct, I apologize. All right. So this is the
4 round about way of saying no.

5 I guess my other application before
6 Miss Cohenson. We have a number of witnesses here
7 who the clerk has asked be excused pending a ruling
8 of the Court. We would ask that these witnesses be
9 allowed to remain in under 8114C which says the Court
10 shall not exclude a person or persons of the general
11 public from a proceeding under this article except
12 upon finding of good cause shown. In determining
13 whether good cause has been shown, the Court shall
14 consider the interest of the public, the interest of
15 justice nature of the proceedings and the privacy of
16 the person alleged to be incapacitated. Certain
17 privacy is not an issue. My client wants these
18 people here.

19 In addition, one of these people is an expert
20 witness who should be allowed to be present in any
21 case to hear the testimony. She can testify about
22 it.

23 THE COURT: Who is the expert?

24 MR. SALZMAN: Pamela Kerr, the forensic
25 accountant.

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1 MS. HOFFMAN: Your Honor, I would like to be
2 heard in response to everything Mr. Salzman
3 addressed.

4 THE COURT: Sure.

5 MS. HOFFMAN: The acrimony in this case is at
6 an extremely high level. It's very sad what happened
7 to this family. Of course, I don't agree with Mr.
8 Salzman's characterization of where the fault lies.

9 Ms. Black's characterization of who it is who
10 saved her is a result of manipulation at the very
11 least --

12 MR. DAIN: Your Honor, I will object. Now we
13 are having the same thing. She's testifying use of
14 the word evil is somehow objectionable and now she's
15 saying that the parties who saved her are
16 manipulating her. If she wants to make an opening
17 statement--

18 MS. HOFFMAN: Mr. Salzman--

19 THE COURT: I think it is within the range
20 that we've been using thus far.

21 MS. HOFFMAN: The way that Ms. Wrigley opened
22 her relationship with Miss Black -- because she, in
23 fact, did not have a close relationship with Miss
24 Black before Renata Black died, Joanne's mother. The
25 way she opened her relationship was by hiring Easaun

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1 Pinto, finding Joanne in Colorado, putting her in a
2 car, putting her under 24 hour watch, even in
3 restraints and driving her all the way to New Jersey
4 against Joanne's will. This is also against the will
5 of Bernard Black and his wife who wanted Joanne near
6 them in Illinois so they could arrange for her care.

7 MS. COHENSON: Your Honor, objection. This
8 is facts. She's testifying to personal knowledge.

9 MS. HOFFMAN: In an opening statement it's
10 entirely proper to--

11 THE COURT: I don't think we're in an opening
12 statement. I think Mr. Salzman was addressing
13 whether his client would consent to an independent
14 guardian, that is really what we are talking about
15 right now. And he indicated that she would not.

16 MS. HOFFMAN: He also, in the process,
17 painted quite a picture that I feel needs rebuttal.

18 THE COURT: I think the opportunity, during
19 cross, dealing with these -- I've lost count how many
20 motions we have here, there is plenty of opportunity.

21 MS. HOFFMAN: On the topic of the witnesses,
22 we believe that the witnesses should not be in the
23 courtroom. That the expert witnesses are certainly
24 welcome in, but this is a sensitive case. There is
25 sensitive information about my client as well as

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1 about Mr. Black.

2 In addition to that, if the witnesses can
3 hear the prior testimony, we won't necessarily get
4 their own testimony, we won't -- we will get what
5 they have heard as well as what they already know.

6 MS. COHENSON: May I comment on that, your
7 Honor?

8 THE COURT: Yes.

9 MS. COHENSON: What I want to say is this.
10 The Court needs to look for the best interest of Miss
11 Black. Miss Black, as you saw in October, feels
12 protected and feels comfortable when certain people
13 that are here today are, once again, behind her,
14 standing behind her.

15 I would ask your Honor, in the best interest
16 of Miss Black, you allow them in this courtroom.

17 THE COURT: When you say "them" who are you
18 referring to?

19 MS. COHENSON: We have Miss Lois Orlin,
20 Licensed Care Social Worker who was here October 1st;
21 we have Easaun Pinto, also here in October; we have
22 expert testimony of Pamela Kerr and we also have Miss
23 Dorothy Dain.

24 MR. DAIN: Could I just briefly speak?
25 Dorothy Dain is my wife. She was here at the last

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1 MS. COHENSON: Yes, your Honor.

2 THE COURT: All right, in whatever order you
3 wish to speak.

4 MS. HOFFMAN: Your Honor, may I suggest,
5 given the late hour, that we adjourn for the day?

6 MS. COHENSON: Your Honor, I have an expert
7 witness here today all the way from Colorado. I
8 would ask your Honor please extend some time to
9 allow us to provide her input.

10 THE COURT: Would she be testifying on this
11 matter?

12 MS. COHENSON: Yes.

13 THE COURT: All right, we can get a witness
14 on. We may not have more than a half hour, if
15 that, so we have to expedite this.

16 MS. COHENSON: Your Honor, we would like to
17 call forensic accountant CPL certified fraud
18 examiner Ms. Pamela Kerr to the stand.

19 THE COURT: Sure.

20 MS. COHENSON: Thank you.

21 COURT OFFICER: Face the clerk and raise your
22 right hand.

23 PAMELA KERR, having first been duly sworn by the

24 Clerk of the Court, testified upon her oath as
25 follows:

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1 THE CLERK: Please take a seat. For the
2 record, could I have your name and please spell
3 it?

4 THE WITNESS: Pamela Kerr, K-e-r-r.

5 THE CLERK: Occupation?

6 THE WITNESS: Owner of Kerr Forensic
7 Accounting. I'm a certified public accountant, a
8 forensic certified public accountant and a
9 certified fraud examiner.

10 THE CLERK: And your business address?

11 THE WITNESS: 650 South Cherry Street, suite
12 235, Denver, Colorado, 80246.

13 THE CLERK: Thank you.

14 THE COURT: Ms. Cohenson?

15 MR. SALZMAN: With the Court's permission,
16 may I go first?

17 THE COURT: Sure.

18 DIRECT EXAMINATION

19 BY MR. SALZMAN:

20 Q Good afternoon Ms. Kerr?

21 A Good afternoon.

22 Q Ms. Kerr, how did you become involved in this
23 case?

24 A I was approached by Gayle Young, Joanne Black's
25 guardian ad litem appointed by the Colorado Probate Court.

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1 Q What were you asked to do?

2 A I was asked to perform a forensic accounting of
3 the conservatorship account with Bernard Black as
4 conservator.

5 Q Did you review other fiduciary entities, as well?

6 A I did. In addition to the conservator reports and
7 the accounts that were the underlying reports, I also
8 reviewed the estate account. Excuse me, the estate of
9 Renatta Black.

10 Q Did you review anything else? Did you review any
11 of the trust accounts?

12 A Yes, all of the trust accounts.

13 Q How many trusts are there?

14 A There is a supplemental needs trust, an investment
15 account and a checking account. There is a 2013 trust
16 account. There is an issue trust. There is the estate
17 account. In all, there are 25 various bank accounts.

18 Q With regard to the estate of --

19 MR. SALZMAN: Your Honor, there is a notice
20 to admit which was previously submitted to the
21 Court which has before it the will of Renatta
22 Black. It includes both the issue trust and the
23 1997 trust for the benefit of Renatta Black.

24 We'll be referring to those items and my
25 understanding is they are all in evidence at this

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point.

THE CLERK: I'm sorry. You wanted the notice to admit?

MR. SALZMAN: Right. In addition, I would ask the other two notices to admit I have filed with the Court be deemed marked and that all of the items in them be admitted in evidence at this time, as I received no objections with regard to any of them.

MR. BLACK: Yes. You have.

MR. SALZMAN: Nothing in writing.

MS. HOFFMAN: You received objections and responses to both of those.

MR. SALZMAN: I received no response as of Saturday, which was the last day I would have had to receive them.

MS. HOFFMAN: We sent them by email Friday.

MR. SALZMAN: I have never consented to email service.

MS. COHENSON: We were asked to consent to email service and we said no. They did not file or serve on time. This Court has given us specific dates and we did not get their objections.

MS. HOFFMAN: We sent them by email and by

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1 Federal Express. I have not received any
2 objection to service by email, your Honor.

3 MR. SALZMAN: I have never consented to
4 service by email.

5 MS. HOFFMAN: This Court has ordered
6 frequently service by email and regular mail is
7 adequate service.

8 MR. SALZMAN: Your Honor, there is nothing in
9 the CPLR that requires me to accept service by
10 email. At 7:30 on Friday night I received a
11 notice to admit from Ms. Hoffman, 2,300. We have a
12 photograph of it as we were so shocked. It was
13 literally this high.

14 Under no circumstances would I ever consent
15 to email service and this is historical behavior
16 from them. There are no circumstances under which
17 I would ever consent to email service from these
18 people.

19 I was in my office yesterday all day. I
20 received no Fed Ex yesterday. There was no Fed Ex
21 in my office from Saturday delivery and there were
22 people in my office on Saturday, as well. We never
23 received a timely written response.

24 If the service was Fed Ex'd it would have to
25 be Fed Ex'd for delivery to my office no later

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1 than yesterday under CPLR 408 and I received
2 nothing.

3 MS. HOFFMAN: I sent the Fed Ex. They would
4 not accept it for Saturday delivery to a business.
5 I sent it as quickly as it was possible to send
6 it.

7 MR. SALZMAN: That's not my problem.

8 MS. HOFFMAN: Service by email and mail has
9 been the norm in this case. There was absolutely
10 no notice to me it would not be acceptable for
11 this particular filing.

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12 MR. SALZMAN: Your Honor, every email I have
13 sent to counsel has been labeled as a courtesy
14 copy. Everything that I have served in the last
15 two weeks has been Fed Ex'd in order to make sure
16 there was timely delivery.

17 THE COURT: This was a notice to admit? Is
18 that the issue here?

19 MR. SALZMAN: Yes.

20 MS. HOFFMAN: We started with our responses
21 to the notices to admit.

22 MR. SALZMAN: They had this notice to admit
23 about a week and a half, at least. And it's not
24 like it's rocket science. The stuff in the second
25 notice to admit duplicates for the most part the

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1 first notice to admit. There were reasons why I
2 wanted to serve it again. The other one contains
3 documents from Colorado. It's not like this is
4 stuff they would not have known about.

5 THE COURT: Ms. Hoffman?

6 MS. HOFFMAN: Your Honor, actually the notice
7 to admit came from my client, Bernard Black, as
8 required by the CPLR and he was explaining to me
9 the reasons it took so long to respond. The first
10 notice to admit, apparently all the documents were
11 mislabeled. All the exhibits did not actually
12 refer to the specific requests to admit and it
13 took a long time to respond to that and go through
14 each of the documents. I believe Mr. Black might
15 be able to address this in more detail.

16 MR. SALZMAN: The first notice to admit is
17 already in evidence. What we're talking about is
18 the second and third.

19 MS. HOFFMAN: The first notice to admit was
20 not admitted.

21 MR. SALZMAN: No, the first notice to admit
22 was filed prior to the October 1 hearing. That's
23 already before the Court. What's labeled the
24 second notice to admit and the third notice to
25 admit --

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MS. HOFFMAN: There are three notices to admit since the October hearing.

MR. SALZMAN: Not filed by me.

MS. COHENSON: There are three notices to admit. Two of which were Mr. Salzman's and one of them was yours, the one sent by email at 7:30.

MS. HOFFMAN: We received three notices to admit.

THE COURT: Are these Colorado court orders and documents?

MR. SALZMAN: One of them is the relevant documents from the file in the Westchester Surrogates Court. What I'm interested in there is the estate inventory Mr. Black filed and that, in fact, was specifically discussed at the last Court hearing.

MR. BLACK: May I speak, briefly? The problem with the notices to admit on the court documents is the notice to admit said Document A and the actual exhibit was Document B over and over and over.

My recollection is for the particular case for my inventory in the Surrogates Court it was on two of the notices to admit, one time correctly and the other time incorrectly.

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1 All of this is laid out in excruciating
2 detail in the response to the notice to admit
3 which Mr. Salzman wants to ignore.

4 One of the two copies was actually fine, if
5 memory serves. I just want to be sure which one
6 we're talking about. The notice says Exhibit A is
7 this document when Exhibit A is obviously another
8 document is an unbelievably bad paralegal job.

9 MR. SALZMAN: That's a fair comment, which is
10 one of the reasons why I filed a second one. Ms.
11 Hoffman alerted me to that. I filed a second one
12 in order to try to resolve that. It's the third
13 notice to admit that is the refiling of the estate
14 issues.

15 The inventory in the third notice to admit
16 is --

17 MR. BLACK: Why don't you just see which of
18 the two copies of that inventory I admitted?

19 THE COURT: One thing that occurs to me as
20 you consult and look at papers is what sort of
21 continuing jurisdiction is this Court going to
22 have or does it have over these matters of trusts
23 and things in the surrogate court in Westchester
24 and Colorado?

25 MR. SALZMAN: Can I follow the Court's lead

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1 and say perhaps before we get into some of the
2 factual issues here that perhaps we address some
3 of these legal issues? Because I think that would
4 be important in terms of providing some context in
5 terms of where we're going.

6 THE COURT: I think that would be a good
7 idea.

8 MR. SALZMAN: May I be heard first?

9 THE COURT: Sure.

10 MR. SALZMAN: The Court has before it the
11 following applications that relate to estate
12 issues. There is Joanne Black's application for
13 an injunction freezing assets in the issue trust,
14 the estate and the 1997 trust. There is Cherie
15 Wrigley's application for similar, though not
16 quite identical, relief. There is Joanne Black's
17 application for a determination that the
18 disclaimer filed, allegedly exercised by Bernard
19 Black, is void and there is Joanne Black's
20 application for the removal of Bernard Black and
21 Samuel Black as trustees of the 1997 trust. I
22 believe those are the four estate issues.

23 Am I correct, counsel?

24 MS. HOFFMAN: I believe that's right.

25 MR. SALZMAN: So the question becomes --

Proceedings

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MR. DAIN: And last time, too, I guess. I
don't know what the total is to date but somehow
he has to be paid.

MR. RUSSO: 2:00 o'clock tomorrow?

THE COURT: Yes. Thank you.

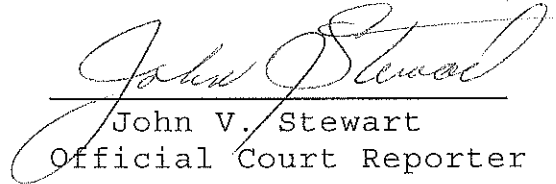
(Adjourned to March 22, 2016 at 2:00 p.m..)

oOo

Certified to be a true and
accurate transcription of the
minutes taken in the above-
captioned matter.



Therese Maltese
Official Court Reporter



John V. Stewart
Official Court Reporter

1 Joanne Black's money to pay for that. That is not
2 their choice.

3 This claim that I have removed Mr. Black from
4 the accounts. I went into Chase Bank and said I need
5 to be added to the accounts. By the way, the same
6 argument they're making now is curiously the argument
7 they had no problem with before which is I didn't
8 know anything about the accounts, I wasn't getting
9 account statements. I had no idea where the money
10 went. We had to wait for Miss Kerr to conduct a
11 forensic analysis to find out they had stolen the
12 money. I got no account statement.

13 Now, suddenly, when it is Mr. Black, he
14 raises this issue. But what happened is, I
15 submitted, at the request of the Chase Bank manager,
16 submit the death certificate of Renata Black, submit
17 the court order that adds you -- that you should be
18 added, submit the court order in which the court says
19 I unilaterally need to act. They sent that to their
20 legal department.

21 What I was told by the Chase managers is when
22 the legal department saw that Bernard Black had
23 committed civil theft and had engaged in a violation
24 of court orders, and that Judge Leith recommended
25 that he have no fiduciary capacity whether by trust,

1 by executorship, by guardianship or even
2 conservatorship in any of their jurisdictions, Chase
3 legal, on its own, removed Mr. Black. I don't have
4 that power, never did.

5 If I walked into Chase and said remove
6 Mr. Black from an account, you know the response. I
7 don't have any authority to tell them to do that.
8 Chase legal, on its own, did that. And they did that
9 probably to protect themselves because they didn't
10 want someone with that finding on those accounts. I
11 did not ask them to -- and frankly, if they put him
12 back on the account I don't care, as long as
13 Mr. Black doesn't use that to interfere.

14 THE COURT: Anybody advise the Surrogate in
15 Westchester of these Colorado court orders?

16 MR. DAIN: Your Honor, I have to say I
17 certainly have and I will be appearing there in the
18 same capacity as pro se. I don't know who has--

19 MR. SALZMAN: We have not been served with
20 any of these, I guess, accounting proceedings in
21 Westchester. Am I going to be served?

22 MS. HOFFMAN: It was filed yesterday in the
23 court, so yes.

24 MR. SALZMAN: As a citation issue.

25 MR. BLACK: I do not know what Joanne had on

1 affairs, but it is our intention to upkeep our
2 integrity as professionals.

3 MS. KERR: May I speak?

4 THE COURT: Yes.

5 MS. KERR: I contacted Northwestern directly--

6 THE COURT: Are you an attorney? We will
7 swear you in.

8 MS. KERR: Am I allowed to speak?

9 THE COURT: Yes, just take the oath please.

10 (Ms. Kerr takes the stand.)

11 COURT CLERK: Do you solemnly swear or affirm
12 that the testimony you are about to give in this

13 matter will be the truth, the whole truth and nothing
14 but the truth so help you God or so you affirm?

15 MS. KERR: I do.

16 COURT CLERK: Miss Kerr, take a seat. For the
17 record, can I have your name and spell it.

18 MS. KERR: Pamela Kerr, K E R R .

19 COURT CLERK: And spelling of your first name.

20 MS. KERR: P A M E L A.

21 COURT CLERK: Occupation?

22 MS. KERR: Owner of Kerr Forensic Accounting,
23 PC, 650 South Cherry Street, suite 235, Denver,
24 Colorado 80246.

25 THE COURT: Miss Kerr, the document that I

1 put into evidence the other day when I addressed the
2 group at the beginning, contained a letter on your
3 letterhead with your signature; did you write that
4 letter?

5 MS. KERR: I wrote that letter. I did not
6 send that letter to Northwestern.

7 THE COURT: Do you know how it came into the
8 possession of Miss Wrigley?

9 MS. KERR: It's my understanding that my
10 letter was titled "Letter to Northwestern" and
11 Miss Wrigley was under the assumption that that was
12 her letter to Northwestern.

13 THE COURT: My question is, how did it come
14 into her possession?

15 MS. KERR: I gave it to her. I forwarded a
16 copy to Miss Wrigley because I wanted her to
17 understand why I was contacting Northwestern.

18 THE COURT: Now, you wanted to address some
19 other points?

20 MS. KERR: Yes, sir. I contacted
21 Northwestern because I said I had received a letter
22 on Northwestern letterhead that stated that I was
23 hired to investigate somebody and I was not hired for
24 that particular reason and I told them exactly that.

25 I said, part of the -- I was hired to

1 investigate the activities of the conservator,
2 Bernard Black, and as part of that investigation, the
3 activities of the son Pinto were included.

4 I was not hired to do what Miss Litvak told
5 this Court I was hired to do and I contacted
6 Northwestern to say this is on your letterhead, it's
7 my opinion that you appear to be supporting Miss
8 Litvak's position and I need you to tell the Court
9 you are not supporting that position.

10 I did not mail the letter, I left a message.
11 Rita Winters called me back and we spoke briefly
12 about the situation. Approximately two weeks later,
13 another individual, I forget her last name, I think
14 Isaacson maybe, called and said, "Are you going to
15 mail the letter?" I said, "no, I talked to my
16 attorney. He said, don't mail the letter, don't
17 worry about it, it's okay." So I did not mail the
18 letter.

19 Miss Litvak put in her document that she
20 filed with this Court that I mailed a letter to
21 Northwestern which is a 100 percent false statement.

22 As she stated today, that she appears to know
23 about my travel plans. I can give you my train
24 ticket. Leaving Friday morning to go to Boston. I
25 have no intention of leaving town before Miss Litvak

P. Kerr - Cross - Litvak

1 can discuss anything she wishes to discuss with me.

2 THE COURT: Miss Kerr, would you think that
3 if somebody learned that at their place of employment
4 a letter was on file, on your letterhead, with your
5 signature, would you think it is a reasonable
6 assumption that you sent it to them?

7 MS. KERR: I think it's inappropriate for
8 Northwestern to have told Miss Litvak that I sent
9 them a letter. That's the only way Miss Litvak could
10 have been informed that a letter was sent by me to
11 Northwestern.

12 THE COURT: Okay.

13 MS. LITVAK: Can I briefly cross, your Honor?

14 THE COURT: Briefly.

15 CROSS EXAMINATION

16 BY MS. LITVAK:

17 Q. Okay. Let me give you the letter that she wrote
18 to Northwestern.

19 A. I believe the Judge has the letter went to
20 Northwestern.

21 Q. Miss Kerr, so here is the pieces of your letter
22 to Northwestern. I was shocked to receive this letter.

23 MR. SALZMAN: The issue not the content of the
24 letter, the issue is.

25 MS. LITVAK: What?

1 MR. SALZMAN: I don't think anyone is arguing
2 with the content of the letter. I think the issue here
3 is whether or not it was sent and the facts and
4 circumstances. Miss Kerr said she did not send the
5 letter so the content is irrelevant.

6 MS. LITVAK: Contact is irrelevant? It is her
7 state of mind. She's claiming that -- so the letter
8 contains actual falsehoods about me and what the Judge
9 needs to know--

10 THE COURT: We are not going to litigate
11 this. As I said, I don't anticipate this group is
12 going to be before me in the future. I am concerned
13 that this conduct, if, in fact, it is offensive, is
14 not repeated. And if I have assurances from
15 professionals and attorneys that there will be no
16 further contact with your law school other than
17 perhaps to try to collect a judgment, that's going to
18 be satisfactory to me.

19 I mean, I understand that you feel even
20 violated and you're upset about what has happened.
21 Quite frankly, I think that, you know, most
22 professionals would recognize that seeing a
23 letterhead, a Judge doesn't assume that imperator of
24 Northwestern Law School is lent to the contents of
25 these letters.

1 I mean, we've been around the block a few
2 time and we see correspondence and people use
3 letterhead and they shouldn't use letterhead to
4 contact the Court and the like. But I think that in
5 this case a lot of it was over the top, was
6 unnecessary and I can understand Miss Litvik being
7 upset about it, but we are not going to litigate all
8 that. We are just going litigate -- and I want to be
9 satisfied it is over and not any further--

10 MR. DAIN: I am not going to --

11 MS. LITVAK: Can I speak to why is he always
12 before me? I need to ask you about the requested
13 remedy for this. The requested remedy -- I
14 understand they are now all promising not to contact
15 Northwestern, but we never know what else they're
16 going to do. So, they don't tell us they were going
17 to contact Northwestern. The next thing they do is
18 contact someone else, some professional which we are
19 members. They could contact Bernie's children's
20 school, Bernie's children's employers, etcetera,
21 etcetera.

22 If you would make a broader request for them.
23 I understand maybe you don't want to actually issue a
24 restraining order, but I would ask you to ask them or
25 require them that no contact of any sort, to any

1 organization or institution that has control over our
2 lives, employment or our activity. Because if they
3 cannot hit Northwestern, they will hit my husband's
4 children's school or my husband's children's
5 employer. They are not stopping. So, I would like
6 to ask for a broader restriction of the contact, if I
7 may.

8 And second, I would like to ask Miss Wrigley
9 to withdraw her ethics complaint if she believes and
10 for that very narrow, single purpose maybe we will --
11 you would allow her to make a contact.

12 MS. KERR: May I speak? Your Honor, I
13 believe that my integrity was absolutely on the line.
14 Miss Litvak contacted you as the Court and informed
15 you of an absolute false statement. I was not hired
16 to investigate anybody other than Bernard Black's
17 actions.

18 MS. LITVAK: If she makes the actually false
19 statement about her -- the order that required her to
20 investigate Pinto, then I will have to cross-examine
21 her on that. There was an order and there was a
22 transcript which I cited in the letter to you.

23 She absolutely was required to investigate
24 Pinto and she did investigate Pinto. She found that
25 Pinto grossly overcharged Joanne and she found that

1 he overspent, overcharge by at least \$40,000 of
2 undocumented expenses. This is what I would like to
3 present to you if you want to hear this, but I
4 understand then you shouldn't be hearing her grossly
5 false statements about this either.

6 THE COURT: Miss Kerr, did you run any this by
7 Juglet Leith before you started composing the letter?

8 MS. KERR: No, sir.

9 THE COURT: I think that might be a good idea
10 in the future. All right, I don't think you need any
11 further questioning of Miss Kerr.

12 MR. DAIN: Your Honor, I wasn't going to
13 question, I was going to read so the Court can
14 understand. The contact was with this company called
15 Mazik Global which says: It's to ensure that you can
16 communicate your concerns associated with unethical
17 or illegal activities safely and honestly with an
18 organization's management for the board of directors
19 while maintaining anonymity and confidentiality.

20 That's what Miss Wrigley -- she contacted
21 Mazik Global Ethics Point. Apparently, Mazik Global
22 Ethics Point contacted Northwestern and Northwestern
23 went from there. So the initial contact by
24 Miss Wrigley wasn't even with someone at
25 Northwestern. Miss Kerr or Miss Cohenson can answer

1 for themselves.

2 Our only concern with this is -- and I know
3 your Honor says people have experience when you send
4 something on Northwestern letterhead doesn't mean it
5 is Northwestern, but it contained allegations of
6 crimes, that's what so upsetting on this side. We
7 catch what is a crime and now we are being accused of
8 extortion, intimidation, perjury. That's what so
9 upset the people about this.

10 You can see how this goes from now we will
11 contact his children like somehow we are the villains
12 in this case. You have been told by everybody here
13 that we have no intention other than collection from
14 contacting Northwestern.

15 Miss Wrigley's contact initially was not with
16 Northwestern, it was with Mazik Ethics Point. Be
17 that as it may, we won't do that. If we start
18 getting beyond that point, then we are losing sight
19 of who is the important person here which is
20 Miss Black. We need to be able to pursue the actions
21 we need to pursue.

22 I have no intention -- I didn't contact
23 Northwestern or -- at this point, but I'm obligated
24 to help collect that judgment. That judgment will be
25 simply directed at Northwestern as maybe to collect

1 on it but you've been given that assurance. To start
2 saying now we want to go beyond and say don't contact
3 Mr. Black's children. I don't even know where they
4 go to school, where that comes from. That wasn't the
5 point. We just want you to understand the point was
6 Northwestern letterhead was used to accuse us of
7 crimes, that's why the contact was made. Not to
8 somehow send a letter to Mr. Black's children's
9 school. That's just absurd.

10 THE COURT: Thank you, Miss Kerr.

11 (Miss Kerr stepping down.)

12 MS. LITVAK: I would like to reinstate my
13 request to restrict them from contacting any
14 organization or association or institution that has
15 control over our lives. I don't want to even hear
16 that the next thing Miss Wrigley is going to do is
17 contact Bernie's children at school and make their
18 lives miserable. She has done it before, that is the
19 problem.

20 They're saying, you know, there was a letter
21 that they got someone else. She has done it before,
22 this is not the first time. Please -- and so first
23 please, restrict them from interfering with our
24 lives. They keep saying only Northwestern. You can
25 see what's going, they will hit somewhere else.